

VL 37165

31 JUL 1973

Mr. Walter Schmidt
National Gypsum Company
325 Delaware Avenue
Buffalo, New York 14202

Re: National Pollutant Discharge
Elimination System

Application No.: 2SD OXW 2 000570

Applicant: National Gypsum Company

Dear Mr. Schmidt:

Under the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et. seq.; P. L. 92-500), the United States Environmental Protection Agency has become the federal authority with primary responsibility for the administration of a new discharge permit program entitled National Pollutant Discharge Elimination System (NPDES).

The 1972 FWPCA Amendments mark the end of permit issuance under the Refuse Act Permit Program which had been administered by the Army Corps of Engineers. However, all Refuse Act permit applications which were pending on October 18, 1972, and which have not been denied, are deemed NPDES permit applications. See 8402(a)(5). All correspondence related to these particular Refuse Act applications should now be directed to EPA. There is no need to reapply under the new NPDES program unless the discharge described in the Refuse Act permit application has changed in nature, volume, or frequency. Forms used under the Refuse Act Permit Program (which are still available from EPA) may be used in submitting a revised application.

Your company's Millington facility is being considered for issuance of a NPDES permit in the very near future. Therefore, any necessary revisions to your permit application must be received by this office no later than September 15, 1973. Unless a revision is received by that date, we will assume that your application currently on file accurately reflects your current discharge and is complete in all respects. We will, therefore, proceed to issue a NPDES permit on that basis.

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CONCURRENCES

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OFFICIAL FILE

So that we may be certain that our files contain all revisions previously submitted by you, please include in your response the dates of all such revisions.

In order that your permit application may be processed expeditiously and on a sound basis, requests for additional information may be made by EPA. Your cooperation in providing any necessary revision to your permit application by the date specified above and in responding to any requests for additional information is necessary to preserve your company's statutory immunity from suit or compliance order pending final administrative disposition of the application in question has been made, or until December 31, 1974, whichever is earlier. See #402(k).

Please fill out the enclosed Corps of Engineers forms. Section I and the first three pages of section II must be filled out. On page 4 of section II, measure Suspended Solids and any other parameter that may have changed.

Thank you for your cooperation in this matter.

Sincerely yours,

Ernest A. Regna
Acting Chief
Industrial Water Facilities Branch
Facilities Technology Division

Enclosure